

Amendment under 37 CFR §1.111
Application No. 10/594,278
Attorney Docket No. 063029

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawing include changes to Fig.1.

The reference character “41” has been added. No new matter has been added.

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REMARKS

(1) Claims 1-13 are pending in this application, of which claim 1 has been amended. No new claims have been added.

(2) The drawings were objected to under 37 CFR 1.83(a). The Examiner states that “the first being ‘disposed in the longest linear tube portion among the plurality of linear tube portions’ of claim 1 must be shown or the feature(s) cancelled from the claim(s).”

In response, the original specification at paragraph [0038] (page 14, lines 2-18) describes that the first stack 3a is disposed in the longest linear tube portion 2a in the loop tube 2....” In Fig. 1, the linear tube portion, which is the longest, is referred to as “2a.” Fig. 1 illustrates an embodiment in which there are two linear tube portions 2a running in the vertical direction, and they have the same length but longer than any other linear tube portions, i.e., connecting tube portions 2b. Thus, either of two linear tube portions 2a in Fig. 1 corresponds to the claimed “longest linear tube portion among the plurality of linear tube portions.” Therefore, the claimed feature is shown in Fig. 1. In view of the above, withdrawal of the objection is respectfully requested.

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(3) Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to the Examiner's assertion that the term "longest linear tube portion" is confusing, Applicants request the Examiner to reconsider the rejection. The same arguments as explained in the objection to the drawings, *supra*, apply to this rejection. Therefore, claim 1 is not indefinite. Reconsideration of the rejection is respectfully requested.

The Examiner suggests that the term "stand relative to the ground" would be clearer as "vertical." Claim 1 has been amended in this respect.

(4) Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Swift et al. (U.S. Patent No. 6,032,464). Claims 1, 2, 5-7 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Swift et al. (U.S. Patent No. 6,164,073).

Claim 1 has been amended to recite a "support." As described at page 12, lines 9-21, the first stack is disposed in the longest linear tube portion among the plurality of linear tube portions. Claim 1 has been also amended to incorporate the limitation that "the second stack is

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disposed in one of other linear tube portion than the first stack is disposed,” and that “the second stack is disposed higher than the first stack.” The amendment is supported by *e.g.*, Fig. 1.

In amended claim 1, the surface wavefront of the acoustic wave generated in the first stack through self excitation can be stabilized in the long linear tube portion 2a, and the standing wave and the traveling wave can be generated rapidly. Since the first stack 3a is disposed in the *standing* linear tube portion, the time until the acoustic wave is generated can be reduced through the use of an updraft or a downdraft generated on the first stack side. After the acoustic wave is generated, the efficiency of heat exchange can be improved. In order to make the longest linear portion in *standing*, a support 41, as illustrated in amended Fig. 1, is used.

On the other hand, neither Swift et al. (the ‘464 patent and the ‘073 patent) discloses any support corresponding to the requirements of amended claim 1. Thus, the rejection of amended claim 1 under 35 U.S.C. §102(b) is not supported by Swift et al. Reconsideration of the rejection is respectfully requested.

(5) Claims 2, 3 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over either Swift reference (U.S. Patent Nos. 6,032,464 and 6,164,073).

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Claims 2, 3 and 6 directly or indirectly depend on amended claim 1. Reconsideration of the rejection is respectfully requested.

(6) Claims 1-13 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,404,296 in view of either Swift patent.

Applicants herewith file a terminal disclaimer with respect to U.S. Patent No. 7,404,296. Withdrawal of the rejection is respectfully requested.

(7) Claims 1-7, 12 and 13 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/594,278 (2007/0221367) in view of either Swift patent. Page 6 of the Office Action.

Application No. 10/594,278 is the serial number of the present application. Applicants request the Examiner to clarify or withdraw the rejection.

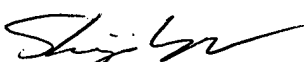
(8) In view of above, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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SY/mt

Attachment: Replacement Sheet of Drawing (Fig.1.)
Terminal Disclaimer
Petition for Extension of Time